

**AFFIDAVIT OF JEFFEREY J. NESLUND**

1. I am an attorney, licensed to practice law in the State of Illinois, since 1993. I was admitted to the trial bar for the Federal District for the Northern District of Illinois in 2003. I was licensed to practice law in the State of Florida in 1993. I have been admitted to practice *pro hac vice* before the State Courts in Michigan and Kentucky and Federal Court in Iowa and Indiana.

2. I obtained my *Juris Doctor* degree from the University of Florida College of Law in 1992, with honors. I was selected as a member of the Florida Law Review in 1991.

3. I was a Cook County Assistant State's Attorney from 1993 to 2001. I was assigned to the Appellate Division, Traffic Division and Juvenile Justice Divisions before I became a member of the Special Prosecutions Bureau, Gang Crimes Unit, in the Criminal Trial Division.

4. As a trial attorney in the State's Attorney's Gang Crimes Unit, I tried exclusively First Degree Murder cases involving members of various Chicago street gangs. I also coordinated several special investigations into murders by various Chicago street gangs, utilizing consensual over hear (COH) devices and wiretaps with the Chicago Police Department.

5. In 2001, I was admitted to the Capital Litigation Trial Bar in Illinois, which qualified me to litigate death penalty cases in the State of Illinois.

6. From 2001 to 2004, I was a trial attorney at the law firm of Bernard R. Nevoral and Associates, Ltd., concentrating in plaintiff's personal injury litigation. During this time period, I tried seven (7) jury trials involving medical malpractice, nursing home

abuse, construction negligence as well as train and auto accidents. I have tried personal injury cases in Illinois, Michigan and Kentucky.

7. In November of 2004, I began my own practice, concentrating in plaintiff's personal injury and civil rights litigation. I have been attorney of record in over 200 civil rights cases in the Federal District for the Northern District of Illinois. I have also had twenty-five (25) jury trials in the Northern District of Illinois, representing plaintiffs in various claims which arise out of allegations of police misconduct resulting in serious bodily injury or death.

8. I have also successfully mediated a wrongful death case in fatal police shooting case in Indiana, *Spates v. Crizer*, 18 C-0001 (\$1.85 million) and an 8th Amendment claim against the Illinois Department of Corrections (IDOC) for \$1 million dollars (the terms and parties subject to a confidentiality agreement), as well as a \$1.5 million-dollar settlement in a wrongful death case involving a fatal asthma attack while in police custody, *Cook v. City of Chicago, et al.* 14C-7997. I have also prevailed on wrongful detention cases (*Bahena v. Kennedy, et al.* 17 C-8532 -\$1,175,000.00 verdict, fee petition pending) and police misconduct cases in state court: *Delarosa v. Cerda*, 07L-3198 (\$1.375 million-dollar verdict).

9. In 2014, I represented the *Estate of LaQuan McDonald*, 14 P 7092, a fatal police shooting in which a 17-year old was shot sixteen (16) times by a Chicago Police Officer. After an extensive investigation, I was able to negotiate a \$5 million dollar settlement for the Estate. This case brought a microscope of national and international attention to the shooting itself as well as the City of Chicago's pattern, practice and procedures in rubber-stamping fatal police shootings. As a direct result of this case, the officer was convicted

of Second Degree Murder (15 CR-20622) and the United States Department of Justice (DOJ) initiated a federal investigation into the facts and circumstances of the shooting as well as a policy and practice review of the Chicago Police Department ultimately resulting in a Federal Consent Decree, 17C-6260.

10. In 2019, Judge Johnson-Colman awarded me an hourly rate of \$550.00/hr. in trial in *Williamson v. Ortiz*, 14 C-6397, a police-involved shooting that resulted in a \$4.75 million-dollar verdict and \$3,466,817 in fees. (Dkt. #306).

**Attorney Irene K. Dymkar**

11. During my career as trial lawyer, by litigating and settling my own fee petitions and by monitoring fee litigation by my colleagues in the plaintiff's civil rights bar, I have become aware of the prevailing rate for civil rights attorneys who have comparable experience.

12. The affiant is very familiar with the career and experience level of Irene K. Dymkar. I have followed Ms. Dymkar's career as a civil rights attorney in the District since 2004. I have personally observed her cross examine defendant police officers and present closing arguments in cases tried in the Northern District. I have attended meetings and civil rights seminars for C.L.E. credit in which Ms. Dymkar was the featured speaker. I often seek the advice and consult of Ms. Dymkar for a variety of issues in police misconduct cases.

13. I was co-counsel with Ms. Dymkar in a Wrongful Death case involving a fatal shooting outside a night club, *Montgomery v. Valell Corp., et al*, 13 L 11559, and we obtained a \$3 million-dollar judgment.

14. In the affiant's opinion Ms. Dymkar is at the top of her particular category of civil rights' attorneys in the Northern District of Illinois, in terms of experience, productivity, trial skill and success. As such, a rate of \$525.00/hour is a fair and reasonable rate given Ms. Dymkar's level of experience and success in this District. Further affiant sayeth not.

Under penalties as provided by 28 U.S.C. Sec. 1746, the undersigned certifies that the statements set forth in this Affidavit are true and correct.

Dated: October 10, 2022

/s/ Jeffrey J. Neslund  
Jeffrey J. Neslund